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July 24, 2008

Hon. Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: Gallo v. Alitalia, Libutti and Galli 07-6418 (CM)

Dear Judge McMahon:

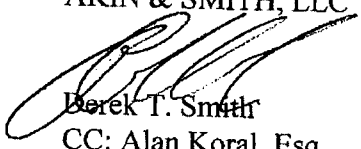
Please note that I represent the Plaintiff in the above case. Please find the enclosed courtesy hard copy of the Plaintiff's Affirmations in opposition to Defendants' Summary Judgment Motions which were previously filed electronically.

Additionally, I just received the attached Affidavit from a non-party witness, Nunzia Fatica Gallo. This was supposed to be Exhibit "H" to our Opposition papers. However, I did not receive this Affidavit from my client until this week. I apologize for the delay and respectfully request that this Affidavit be included in our opposition papers. I would, of course, have no objection if the Defendants wish to supplement their Reply papers to address this Affidavit.

I thank Your Honor in advance for your consideration and time.

Respectfully submitted,

AKIN & SMITH, LLC



Derek T. Smith

CC: Alan Koral, Esq.

EXHIBIT H – AFFIDAVIT OF NUNZIA FATICA GALLO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 07 CV 06418 (CM)(HP)

-----X
FRANCESCO GALLO,

Plaintiff,

-against-

ALITALIA- LINEE AEREE ITALIANE –
SOCIETA PER AZIONI,
PIERANDREA GALLI, and
GIULIO LIBUTTI,

Defendants
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, NUNZIA FATICA GALLO, do hereby state and declare under the penalties of perjury as follows:

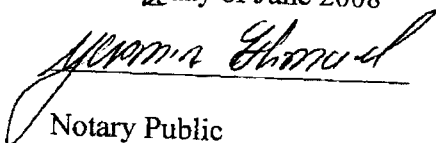
1. I am over the age of 18 and reside in the State of New York.
 2. I am the wife of Francesco Gallo.
 3. On June 20, 2006, I received a telephone call from Mr. Giulio Libutti, Mr. Libutti told me that my husband was an homosexual and that he had an intimate relationship with Mr. Oskuz.
 4. During the same conversation Mr. Libutti told me that he was very sorry for me, that he wanted to help me and that he was not asking my husband to repay the amount that Alitalia had to pay Mr. Oksuz for his claims.
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5. Mr. Libutti told me to convince my husband to not sue Mr. Libutti and Alitalia.
6. Mr. Libutti also told me that if my husband would sue Alitalia, he would ruin my husband's reputation in the world.
7. The defamatory statements were false.
8. Coincidentally after that conversation, many people had called me and offered me their support.


NUNZIA FATICA GALLO

JULY 2, 2008

Sworn to and subscribed before
me this 2 day of June 2008


Notary Public

YASMIN ISHMAEL
Notary Public, State of New York
No. 01198152854
Qualified in Queens County
Commission Expires Sept. 26, 2010

07/02/2008